

distorted animal, and that it was actually a specimen of the species known to him as *Alona rostrata* (Koch, 1841), which he dealt with and illustrated in the same paper (P.E. Müller, 1867, pp. 182–183). It is perfectly clear that had Müller known the teratological nature of this individual he would not have erected a new genus and species for its reception. On the contrary, had he known this, without the least difficulty he would have identified this problematic individual as the species well known to him as *A. rostrata*. This means that *Phrixura* is a junior synonym of *Alona* Baird, 1843. The creation of the new genus *Phrixura* was based on an unfortunate error. It is not in accord with the Code to support such a lapsus, especially when it concerns a species (*rostrata*) that has been internationally recognised as valid for more than 130 years since its publication.

2. The name *Phrixura* was never used for more than 120 years and cannot be employed on the basis of nomenclatural usage unless special grounds are put forward, which is not the case.

3. As noted in para. 6 of the application, Michael & Frey (1984) expressly referred to *Phrixura rectirostris* as a synonym of *Disparalona rostrata*, and clearly stated that it 'is an abnormal specimen of *D. rostrata*'. I can only fully and entirely agree. In no way, however, can I agree with Frey's later (1989) change to adopt the name *Phrixura*. This is a classic case of how a rigid, literal interpretation of the Code led to a completely unprofitable and harmful introduction of an unused name.

4. Given this state of affairs (paras. 1–3 above), I wish to protest that it is not a trifling matter to ignore the significance of the fact that the name *Disparalona* Fryer, 1968 has been in unambiguous and common use for about 30 years among specialists familiar with this group of animals (cf. Grygier's comment on BZN 55: 105, June 1998).

5. A morphologically comprehensive presentation and description of the taxon concerned were given by Michael & Frey (1984) under the name of *Disparalona rostrata*. It would be an irresponsible destabilisation of the nomenclature used for this species should *Phrixura rostrata* be adopted. Such a measure would stand in contradiction to the spirit and intention of the Code as clearly stated in the Preamble and Article 23b of the 1985 edition (Article 23.2 in that of 1999).

6. All decisive points, which unambiguously speak for a rejection of the name *Phrixura* P.E. Müller, 1867, have been convincingly set out by Fryer in Case 2990. I have nothing to add to them and stand fully and entirely behind the application.

7. In 1972 in the *Tierwelt Deutschlands* series I used the name *Disparalona rostrata* for the branchiopod in question (para. 7 of the application). In a new taxonomic monograph of the Cladocera of Central Europe, to appear in the year 2000, I will also be employing this name for the taxon since this is manifestly in the interest of nomenclatural stability.

Comment on the proposed designation of a single neotype for *Hemibagrus nemurus* (Valenciennes, 1840) (Osteichthyes, Siluriformes) and *H. sieboldii* (Bleeker, 1846), and of the lectotype of *H. planiceps* (Valenciennes, 1840) as a neotype for *H. flavus* (Bleeker, 1846)

(Case 3061; see BZN 56: 34–41, 200–201)

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I have been working and have published on several of the taxa mentioned by the authors of Case 3061; I fully support their conclusions and application and recommend that the Commission accepts their proposals. However, I note two minor mistakes. The first is only a detail, and the second is remedied by a lectotype designation which contributes to the nomenclatural stability within this group.

Ng et al. write (paras. 2 and 4 of their application) that *Bagrus planiceps* Valenciennes, 1840 was described from two specimens collected by Kuhl and van Hasselt. I assume this was based on Valenciennes's remark 'nous en avons vu de quatre et de huit pouces de longueur', but this could encompass more than two specimens; Valenciennes clearly stated that there was one specimen in Paris and others in Leiden, and this is corroborated by the present holdings of those museums (see para. 4 of the application). This detail does not change anything about the need for a lectotype designation for *B. planiceps*, as made by the authors in para. 10 of the application.

Ng et al. also write in paras. 2 and 4 that *Bagrus anisurus* Valenciennes, 1840 was based on a single specimen, i.e. a holotype. I disagree. The description starts [in translation] 'Messrs Kuhl and van Hasselt have had a third bagre painted in Java, of which they have sent samples [plural] to the museum in Leiden etc.'. Valenciennes did write in the account of the species 'The individual which we have described is 14 inches long', but the specimens in Leiden were included in the species and are therefore syntypes. Furthermore, the description ends 'In the liquor [alcohol], it appears pale brown on the back, and whitish grey under the belly; but when fresh as in the figure, the whole upper part is olivaceous', and there is no reason to suppose that both parts of this sentence refer to a single specimen painted when fresh and then preserved and now in Paris.

In line with the argument by Ng et al. that the names of the nominal species now in *Hemibagrus* should be defined, I here designate the specimen NNM 2956 in Paris as the lectotype of *Bagrus anisurus* Valenciennes, 1840; this is the specimen assumed by Ng et al. to be the holotype.

As stated at the outset, I support the proposals in the application by Ng et al.

Comments on the proposed conservation of the specific name of *Varanus teriae* Sprackland, 1991 (Reptilia, Squamata)

(Case 3043; see BZN 54: 100–103; 250–251; 55: 37–39, 111–114)

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Rather belatedly I wish to comment on this application, submitted by Profs R.G. Sprackland and H.M. Smith and Dr P.D. Strimple in BZN 54: 100–103 (June 1997).

Although the 'Code of Ethics' (Appendix A in both the 3rd and 4th editions of the Code) and many of the Code's important Recommendations were blatantly flouted in the Wells & Wellington (1985a) work at the core of this case, leading many workers to reject all or part of the publication, the Code of Ethics and Recommendations are not mandatory. The Commission noted (BZN 48: 337–338, December 1991) that 'the provisions of the Code apply to all names directly and indirectly involved in this